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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,677	06/24/2003	Masahiko Kawahara	10877.0054US01	8278
23552	7590	02/12/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	
DATE MAILED: 02/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,677

Applicant(s)

KAWAHARA, MASAHIKO

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/24/03 & 11/10/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claim 6 is objected to because of the following informalities: The term “the slider body” (line 2) lacks clear antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, and 6 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Wahl (US 2303870).

Wahl (figures 9-11, 14) teaches a slide fastener comprising: a pair of fastener tapes 56, 60 each having a fastener element in the form of a coil 55, 59 for engagement, and a slider 70, as shown in figure 11, for closing and opening the fastener tapes; said fastener elements protruding from the respective tapes and engaging with each other thereby making it possible for the pair of fastener tapes to be joined one above the other. As to claim 2, the coils 55, 59 are spaced from the edges of the tapes as shown in figure 14. In regard to claim 5, the slider is shown in figure 11 and has a guide column 69, with a top plate 72 and bottom plate 73, wherein each plate has one end extending straight beyond the guide column 69 and another end extending toward the opposite plate so as to form fastener element housings. As to claim 6, note the pull 71 on a side part of the slider body.

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Claims 1, 2, and 4 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Alberts (US 3600766).

Alberts (figures 1, 4-6) teaches a slide fastener comprising: a pair of fastener tapes 24, 30 each having a fastener element in the form of teeth for engagement, and a slider 32 for closing and opening the fastener tapes; said fastener elements protruding from the respective tapes and engaging with each other thereby making it possible for the pair of fastener tapes to be joined one above the other. As to claim 2, the teeth are clearly spaced from the edges of the tapes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Wahl (US 2303870) in view of Hanson et al. (US 5730498).

Wahl (figures 9-11, 14) teaches a slide fastener comprising: a pair of fastener tapes 56, 60 each having a fastener element in the form of a coil 55, 59 for engagement, and a slider 70, as shown in figure 11, for closing and opening the fastener tapes; said fastener elements protruding from the respective tapes and engaging with each other thereby making it possible for the pair of fastener tapes to be joined one above the other. The slider is shown in figure 11 and has a guide column 69, with a top plate 72 and bottom plate 73, wherein each plate has one end extending straight beyond the guide column 69 and another end extending toward the opposite plate so as to form fastener element housings. Note the pull 71 on a side part of the slider body. The

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difference is that the pull isn't a string. However, the use of a string as a pull on a slider is well known as providing a simple, flexible and easily manipulable pull for a slider and Hanson et al. (figures 1, 2) teaches that it is well known to provide the pull with a string 29 so as to more easily manipulate the slider when it is covered.

Conclusion

The patents of Sundback (US 2077350, figures 1-5), Quisling (US 2273732, figures 5, 6; US 2221411, figures 5, 6, 21, 22), Podolsky (US 2093174, figure 20b), Siers (US Re 18612, figures 1, 5), JP 2000-197508 (figure 1) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB